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October 2, 1957

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CONCORD, N.H.

Leonard R. Frost, Water Resources Engineer
New Hampshire Water Resources Board
State House Annex
Concord, New Hampshire

Dear Mr. Frost:

This is in response to your letter of September 30, 1957, concerning weather modification and the recent resolution of the Governor and Council in respect thereto.

It is the opinion of this office that the resolution referred to - which was adopted at the meeting of the Governor and Council of September 30, 1957 - authorizes your agency to undertake weather modification as provided in RSA 432. However, it would appear that the contract contemplated is to be executed by the Governor himself, although, as indicated, your agency will be the agency actually engaging in the weather modification under the statute.

The law relative to the liability which may arise as a result of operations in weather modification is not entirely settled. It is our view, however, that the statute referred to renders the operations contemplated as governmental operations, and hence not giving rise to liability in tort on the part of the State.

We are without statutory authority to express any opinion with respect to the possibility that any of the private parties or individuals engaged in the operations may incur liability as a result of the operations.

We will be glad to examine the proposed contract, to confer with you and your consultants, and to assist generally in any way you may wish.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/aml